

A FEW PRESS COMMENTS

On the Decision in the Butler Boodle Case by the Supreme Court.

St. Louis Republic: Citizens of Missouri who have hoped for exemplary and lasting results from boodle disclosures regret that the supreme court felt constrained by technicalities to set aside the verdict in the Butler case.

Decisions of the supreme court are law of the state. It would be neither seemly nor useful to question the reasoning with which the court, through Judge Fox, proceeded to declare that certain de facto officials could not be bribed.

Citizens are at liberty to bel and say, however, that the decision is unfortunate in destroying the moral usefulness of the state's laborious and successful efforts to supply evidence against one of the most dangerous men in St. Louis. The evidence so secured was exceptionally plain and convincing. It came from the lips of men whose standing is of the best. It was direct and undoubted. In bribery cases such evidence is not easy to obtain. The regret at the technical necessity which governed the supreme court is the stronger on that account—regret not only that the particular defendant in the case has escaped, but that encouragement is given to that school of boodle which is ever ready to take chances of exposure and punishment, ever prone to scorn the law and its officers.

Politically, this decision will have an effect in intensifying the importance of boodle as an issue. Not an issue between parties, for good citizens of all parties stand together in a matter of simple morality, but as an issue which every political organization must recognize. The people will insist more resolutely than ever upon candidates who represent the movement against lobbyism and graft. Butler has, more conspicuously than any other of the defendants in the boodle cases, stood in the public mind for the evil which has challenged and insulted moral sentiment. The other case against him cannot reach a final result until after the coming state campaign. For the present he is free and, as to him, the people are helpless. They will turn to the business of declaring in conventions and at the polls that they will not tolerate in office any man who bears the taint of lobbyism or who is suspected of sympathy with graft. What the law's delays and technicalities prevent them from doing they will do to the best of their ability by voicing their convictions at the polls.

Rev. Frank G. Terrell in Mount Cabanne Christian church, St. Louis, Sunday Dec. 13: "The Judges of the Supreme Court may be gentlemen of the highest integrity, and their verdicts may be according to Missouri law; but if that is the case, so much the worse for the law! For such judicial history is bringing law and law courts into the greatest contempt with the sovereign people. In this last case, the trial of the prince of boodle, the court reverses the verdict rendered in Judge Hockaday's court, and sets the condemned man free upon two points. First, the court holds that the ordinance authorizing the Board of Health to let contracts for the reduction of garbage is invalid, and therefore no one could bribe a member of the Board of Health, acting or essaying to act under that ordinance. Second, that this particular ordinance has not been signed by the Mayor and was not a law at all, even an invalid law, and that Doctor Chapman had no power or authority to do what the boodler was trying to bribe them to do. If this is true, what a reflection upon the defendant's intelligence. The idea of a man so shrewd offering money to a public official for a service which the law did not require or empower him to perform! Furthermore, the court owes this man an apology for thinking him

such a consummate ass as to try to bribe people to do something that it was impossible for him to perform.

According to the facts, all of which are admitted, money was offered to influence the action of at least two members of this board—to do a thing which they were not legally authorized to perform. The Supreme Court chooses to say that, since there was no valid law authorizing this particular act, therefore there was no bribery.

Doctor Chapman was an officer of the city; he did pass upon the contracts asked for, in fact, but not in law; to all intents and purposes, so far as both parties to the transaction and the city are concerned, it was de jure as well as de facto; therefore it is not a good defense to allege that the ordinance was invalid and the official not legally required to vote for contracts asked under it.

Letters in the Kansas City Times: In rendering the decision of the Missouri supreme court in the case of Edward Butler, convicted briber, I have endeavored to figure out some logically parallel cases, calculated to extend the benefits of the judiciary over a wider field of usefulness. For example, I thought of a possible decision like this:

BY TWISTER J.

"It appears from the evidence that the defendant, Rastus, was operating at the time of his alleged offense in a very dark storeroom, to which his own unmitigated blackness added density, and, further, that the actual act of illegality was performed within the precincts of a refrigerator which by reason of its location and environment, must have been still darker than the room in which it stood, even with the ebon Rastus supervened. The defendant, as shown by the evidence, was possessed of a large family, an appetite for chicken, and nothing else of consequence. His purpose in ravaging the refrigerator of the complaining witness, was to secure therefrom a plucked and dressed chicken with which to calm the hunger of himself and those dependent upon him. Owing to the extreme darkness surrounding the circumstances, only a meager part of which can be attributed to the presence of the defendant himself, his groping hand seized the carcass of a duck almost simultaneously with the utterance of the sound of hastily approaching footsteps. Further exploration of the refrigerator seeming, by reason of this interruption, to be impracticable, the hand of the defendant, Rastus, clung to the duck and he fled, only to be afterward captured in company with the same. Thus it appears that, meditating a chicken, the defendant nervously made way with a duck, of the purloining of which he had, in intent, been absolutely innocent. The order of the court is that the defendant, Rastus, be discharged from custody."

That seemed rational enough at first, but after some thought I could see where some famous jurists could kick such a decision full of holes. For example, how can there be any reasonable analogy between a case in which one criminal got the wrong fowl from the right ice box, and one in which another criminal got the right fowl from the wrong ice box?

PUZZLED.

Plattsburg Leader: The people of Missouri will regret to learn that the supreme court has found technical points of law such as to justify the court, in its own opinion, for setting Butler free. There is a general belief that Butler was guilty. The testimony of good witnesses proved that he had offered money to members of the board of health for the garbage contract. It now appears that the board of health was not the proper body to let the contract, although for time out of mind it had been considered to be the board's duty and they had exercised the power. So that even if Butler did bribe some of the board, or try to, he is not guilty of a crime—according to the supreme court.

There are one or two other tech-

nical points upon which the court finds the same way. But none of them has any more force than this one.

What shall the people think? Granting that the court may be right in giving a man the advantage of every technicality, it is yet a grievous condition when a man can attempt to bribe an official, and then escape the due punishment by proving that the man he tried to bribe had no authority in the case.

Attorneys Folk and Crow certainly have the sympathy of all right minded citizens in their prosecution of these cases. We hope they will not be discouraged but will keep right on till their defense of the people's rights shall win success.

Platte County Gazette: The Missouri supreme court on Wednesday reversed the finding of the lower court in the case of Ed Butler, the St. Louis politician, who was tried some time ago in the circuit court of Boone county, and convicted of bribery, and sentenced to three years in the penitentiary. The supreme court not only reversed the finding of the lower court, but discharged the defendant, thus closing the case. The decision of the court was based upon the law which provides that conviction for bribery can only be had where the party receiving the fee is the officer in control of the privileges or contracts sought to be secured by the payment of the bribe. It was shown that Butler offered the money to the wrong man and thus escaped. Butler is pretty foxy. Maybe he knew all the time whom he was offering the money to.

Marshall Democrat News: The supreme court has discharged Ed Butler, not questioning the facts upon which a jury of Boone county farmers found him guilty of bribery and sentenced him to three years in the penitentiary, but basing its decision upon its interpretation of the law. Yet he will be held morally guilty before God and man. Mr. Folk is not discouraged, but will prosecute Ed Butler with the more vigor in the other case, in which Butler is accused of offering the members of the house combine in St. Louis \$47,500 for their votes in favor of the city lighting scheme. This case is said to be much stronger than the first; in fact, the evidence seems to be conclusive.

Holden Enterprise: Gantt, Fox and Burgess of the supreme court No. 2 say his conviction was all wrong as he only tried to bribe a man, Dr. Chapman, who was not a member of the board that awarded the contracts. The work of the boodle gang has passed through the courts and is now up to the people. How do you stand on it?

The St. Joseph News and Press: The decision of the supreme court is certainly astonishing. It says in effect that there is no punishment under the law for attempted bribery if the briber approaches an official who cannot deliver the goods, or if he offers a bribe for benefits under a law before that law is enacted.

Fulton Sun: This action has put Judge James B. Gantt out of the probabilities for Governor, and yet one must admire his fidelity to that which he considered duty. In adhering to what he considered a strict interpretation of the law, Judge Gantt has antagonized an aroused public sentiment, has lost a good chance to become Governor and has invited the severe criticism of the pulpit, rostrum and press.

THE "GUMMER" EXPLODED.

From the Ashland Bugle:—John Ong was badly hurt last Friday. He was gumming a saw, when the gummer exploded, a piece striking him in the face, knocking out a lower front tooth and cutting his lower lip wide open. Dr. W. R. Smith was called up by phone and hastened to assistance of the injured man, who is now all right but suffering considerably.



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Hon. JOSEPH W. FOLK, the Famous Boodle Prosecutor, of St. Louis.
—By courtesy of Missouri Stateman

Masons at Hinton.

Hinton, Mo., Dec. 17.—At 2 o'clock p. m., above date, the following Master Masons in good standing met at their Hall in Hinton, Mo.: A. W. Barnes, J. T. Wingo, C. W. Newman, T. H. Stone, T. S. Kemper, J. G. Kelly, Jasper Phillips, J. W. Pollock, I. R. Davis, Isaac Alspach, Stephen March, Robert Goldsbery, Brother W. H. Carpenter, D. D. G. L., present. The following officers were elected: A. W. Barnes, W. M.; J. T. Wingo, S. W.; C. W. Newman, J. W.; T. H. Stone, Treasurer; T. S. Kemper, Secretary; J. G. Kelly, S. D.; J. A. Phillips, J. D.; I. R. Davis, S. S.; R. M. Goldsbery, J. S.; J. W. Pollock, Tyler. The officers were duly installed by Brother W. H. Carpenter. Regular meeting 1st and 3rd Saturdays in each month.

Calendar for 1904.

Four handsome plaques representing the seasons and a Calendar Plaque for 1904 have been executed for the Malt-Nutrine Dept. of the Anheuser-Busch Brewing Association, according to the designs especially painted by the celebrated color artist, Mr. A. von Bues. They will make beautiful decorations for the home and can be procured by remitting 25c to the Malt-Nutrine Dept., Anheuser-Busch Brewing Ass'n, St. Louis, Mo.

The sign of a Good Shoe—"C. B. Miller."